

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7 and 3-7-6 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
8 Release.

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

14 (1) not violate any criminal statute of any
15 jurisdiction during the parole or release term;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for the
24 instruction or residence of persons on parole or mandatory
25 supervised release;

26 (6) secure permission before visiting or writing a
27 committed person in an Illinois Department of Corrections
28 facility;

29 (7) report all arrests to an agent of the Department of
30 Corrections as soon as permitted by the arresting authority
31 but in no event later than 24 hours after release from
32 custody;

1 (7.5) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, the individual shall
3 undergo and successfully complete sex offender treatment
4 conducted in conformance with the standards developed by
5 the Sex Offender Management Board Act by a treatment
6 provider approved by the Board;

7 (8) obtain permission of an agent of the Department of
8 Corrections before leaving the State of Illinois;

9 (9) obtain permission of an agent of the Department of
10 Corrections before changing his or her residence or
11 employment;

12 (10) consent to a search of his or her person,
13 property, or residence under his or her control;

14 (11) refrain from the use or possession of narcotics or
15 other controlled substances in any form, or both, or any
16 paraphernalia related to those substances and submit to a
17 urinalysis test as instructed by a parole agent of the
18 Department of Corrections;

19 (12) not frequent places where controlled substances
20 are illegally sold, used, distributed, or administered;

21 (13) not knowingly associate with other persons on
22 parole or mandatory supervised release without prior
23 written permission of his or her parole agent and not
24 associate with persons who are members of an organized gang
25 as that term is defined in the Illinois Streetgang
26 Terrorism Omnibus Prevention Act;

27 (14) provide true and accurate information, as it
28 relates to his or her adjustment in the community while on
29 parole or mandatory supervised release or to his or her
30 conduct while incarcerated, in response to inquiries by his
31 or her parole agent or of the Department of Corrections;
32 and

33 (15) follow any specific instructions provided by the
34 parole agent that are consistent with furthering
35 conditions set and approved by the Prisoner Review Board or
36 by law, exclusive of placement on electronic detention, to

1 achieve the goals and objectives of his or her parole or
2 mandatory supervised release or to protect the public.
3 These instructions by the parole agent may be modified at
4 any time, as the agent deems appropriate.

5 (b) The Board may in addition to other conditions require
6 that the subject:

7 (1) work or pursue a course of study or vocational
8 training;

9 (2) undergo medical or psychiatric treatment, or
10 treatment for drug addiction or alcoholism;

11 (3) attend or reside in a facility established for the
12 instruction or residence of persons on probation or parole;

13 (4) support his dependents;

14 (5) (blank);

15 (6) (blank);

16 (7) comply with the terms and conditions of an order of
17 protection issued pursuant to the Illinois Domestic
18 Violence Act of 1986, enacted by the 84th General Assembly,
19 or an order of protection issued by the court of another
20 state, tribe, or United States territory; and

21 (8) in addition, if a minor:

22 (i) reside with his parents or in a foster home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 or

26 (iv) contribute to his own support at home or in a
27 foster home.

28 (c) The conditions under which the parole or mandatory
29 supervised release is to be served shall be communicated to the
30 person in writing prior to his release, and he shall sign the
31 same before release. A signed copy of these conditions,
32 including a copy of an order of protection where one had been
33 issued by the criminal court, shall be retained by the person
34 and another copy forwarded to the officer in charge of his
35 supervision.

36 (d) After a hearing under Section 3-3-9, the Prisoner

1 Review Board may modify or enlarge the conditions of parole or
2 mandatory supervised release.

3 (e) The Department shall inform all offenders committed to
4 the Department of the optional services available to them upon
5 release and shall assist inmates in availing themselves of such
6 optional services upon their release on a voluntary basis.

7 (f) In determining the conditions of parole or mandatory
8 supervised release, the Prisoner Review Board may not take into
9 consideration the person's assets or the person's ability or
10 inability to pay for the costs of his or her incarceration.

11 (Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04.)

12 (730 ILCS 5/3-7-6) (from Ch. 38, par. 1003-7-6)

13 Sec. 3-7-6. Reimbursement for expenses.

14 (a) Responsibility of committed persons. For the purposes
15 of this Section, "committed persons" mean those persons who
16 through judicial determination have been placed in the custody
17 of the Department on the basis of a conviction as an adult.
18 Committed persons whose assets exceed \$200,000 (excluding the
19 value of a residence and a motor vehicle) shall be responsible
20 to reimburse the Department for the expenses incurred by their
21 incarceration at a rate to be determined by the Department in
22 accordance with this Section.

23 (1) Committed persons subject to this Section shall
24 fully cooperate with the Department by providing complete
25 financial information for the purposes under this Section.

26 (2) The failure of a committed person to fully
27 cooperate as provided for in clauses (3) and (4) of
28 subsection (a-5) shall be considered for purposes of a
29 parole determination. Any committed person who willfully
30 refuses to cooperate with the obligations set forth in this
31 Section may be subject to the loss of good conduct credit
32 towards his or her sentence of up to 180 days.

33 (a-5) Assets information form.

34 (1) The Department shall develop a form, which shall be
35 used by the Department to obtain information from all

1 committed persons regarding assets of the persons.

2 (2) In order to enable the Department to determine the
3 financial status of the committed person, the form shall
4 provide for obtaining the age and marital status of a
5 committed person, the number and ages of children of the
6 person, the number and ages of other dependents, the type
7 and value of real estate, the type and value of personal
8 property, cash and bank accounts, the location of any lock
9 boxes, the type and value of investments, pensions and
10 annuities and any other personalty of significant cash
11 value, including but not limited to jewelry, art work and
12 collectables, and all medical or dental insurance policies
13 covering the committed person. The form may also provide
14 for other information deemed pertinent by the Department in
15 the investigation of a committed person's assets.

16 (3) Upon being developed, the form shall be submitted
17 to each committed person as of the date the form is
18 developed and to every committed person who thereafter is
19 sentenced to imprisonment under the jurisdiction of the
20 Department. The form may be resubmitted to a committed
21 person by the Department for purpose of obtaining current
22 information regarding the assets of the person.

23 (4) Every committed person shall complete the form or
24 provide for completion of the form and the committed person
25 shall swear under oath or affirm that to the best of his or
26 her knowledge the information provided is complete and
27 accurate.

28 (b) Expenses. The rate at which sums to be charged for the
29 expenses incurred by a committed person subject to this Section
30 for his or her confinement shall be computed by the Department
31 as the average per capita cost per day for all inmates of that
32 institution or facility for that fiscal year. The average per
33 capita cost per day shall be computed by the Department based
34 on the average per capita cost per day for the operation of
35 that institution or facility for the fiscal year immediately
36 preceding the period of incarceration for which the rate is

1 being calculated. The Department shall establish rules and
2 regulations providing for the computation of the above costs,
3 and shall determine the average per capita cost per day for
4 each of its institutions or facilities for each fiscal year.
5 The Department shall have the power to modify its rules and
6 regulations, so as to provide for the most accurate and most
7 current average per capita cost per day computation. Where the
8 committed person is placed in a facility outside the
9 Department, the Department may pay the actual cost of services
10 in that facility, and may collect reimbursement for the entire
11 amount paid from the committed person receiving those services.

12 (c) Records. The records of the Department, including, but
13 not limited to, those relating to: the average per capita cost
14 per day for a particular institution or facility for a
15 particular year, and the calculation of the average per capita
16 cost per day; the average daily population of a particular
17 Department correctional institution or facility for a
18 particular year; the specific placement of a particular
19 committed person in various Department correctional
20 institutions or facilities for various periods of time; and the
21 record of transactions of a particular committed person's trust
22 account under Section 3-4-3 of this Act; may be proved in any
23 legal proceeding, by a reproduced copy thereof or by a computer
24 printout of Department records, under the certificate of the
25 Director. If reproduced copies are used, the Director must
26 certify that those are true and exact copies of the records on
27 file with the Department. If computer printouts of records of
28 the Department are offered as proof, the Director must certify
29 that those computer printouts are true and exact
30 representations of records properly entered into standard
31 electronic computing equipment, in the regular course of the
32 Department's business, at or reasonably near the time of the
33 occurrence of the facts recorded, from trustworthy and reliable
34 information. The reproduced copy or computer printout shall,
35 without further proof, be admitted into evidence in any legal
36 proceeding, and shall be prima facie correct and prima facie

1 evidence of the accuracy of the information contained therein.

2 (d) Authority. The Director, or the Director's designee,
3 may, when he or she knows or reasonably believes that a
4 committed person whose assets exceed \$200,000 (excluding the
5 value of a residence and a motor vehicle), or the estate of
6 that person, has assets which may be used to satisfy all or
7 part of a judgment rendered under this Act, or when he or she
8 knows or reasonably believes that a committed person whose
9 assets exceed \$200,000 (excluding the value of a residence and
10 a motor vehicle) is engaged in gang-related activity and has a
11 substantial sum of money or other assets, provide for the
12 forwarding to the Attorney General of a report on the committed
13 person and that report shall contain a completed form under
14 subsection (a-5) together with all other information available
15 concerning the assets of the committed person and an estimate
16 of the total expenses for that committed person, and authorize
17 the Attorney General to institute proceedings to require the
18 persons, or the estates of the persons, to reimburse the
19 Department for the expenses incurred by their incarceration.
20 The Attorney General, upon authorization of the Director, or
21 the Director's designee, shall institute actions on behalf of
22 the Department and pursue claims on the Department's behalf in
23 probate and bankruptcy proceedings, to recover from committed
24 persons whose assets exceed \$200,000 (excluding the value of a
25 residence and a motor vehicle) the expenses incurred by their
26 confinement. For purposes of this subsection (d),
27 "gang-related" activity has the meaning ascribed to it in
28 Section 10 of the Illinois Streetgang Terrorism Omnibus
29 Prevention Act.

30 (e) Scope and limitations.

31 (1) No action under this Section shall be initiated
32 more than 2 years after the release or death of the
33 committed person in question.

34 (2) The death of a convicted person, by execution or
35 otherwise, while committed to a Department correctional
36 institution or facility shall not act as a bar to any

1 action or proceeding under this Section.

2 (3) The assets of a committed person, for the purposes
3 of this Section, shall include any property, tangible or
4 intangible, real or personal, belonging to or due to a
5 committed or formerly committed person including income or
6 payments to the person from social security, worker's
7 compensation, veteran's compensation, pension benefits, or
8 from any other source whatsoever and any and all assets and
9 property of whatever character held in the name of the
10 person, held for the benefit of the person, or payable or
11 otherwise deliverable to the person. Any trust, or portion
12 of a trust, of which a convicted person is a beneficiary,
13 shall be construed as an asset of the person, to the extent
14 that benefits thereunder are required to be paid to the
15 person, or shall in fact be paid to the person. For the
16 purposes of this Section, "assets of a committed person" do
17 not include a residence or motor vehicle owned by the
18 committed person. At the time of a legal proceeding by the
19 Attorney General under this Section, if it appears that the
20 committed person has any assets which ought to be subjected
21 to the claim of the Department under this Section, the
22 court may issue an order requiring any person, corporation,
23 or other legal entity possessed or having custody of those
24 assets to appropriate any of the assets or a portion
25 thereof toward reimbursing the Department as provided for
26 under this Section. No provision of this Section shall be
27 construed in violation of any State or federal limitation
28 on the collection of money judgments.

29 (4) Nothing in this Section shall preclude the
30 Department from applying federal benefits that are
31 specifically provided for the care and treatment of a
32 committed person toward the cost of care provided by a
33 State facility or private agency.

34 (Source: P.A. 92-564, eff. 1-1-03.)